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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,569

03/22/2004

Gianfranco Guderzo

CAM3-PT100

2190

3624 7590 07/15/2009

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

TO, TUAN C

ART UNIT

PAPER NUMBER

3663

MAIL DATE

DELIVERY MODE

07/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/806,569	Applicant(s) GUDERZO, GIANFRANCO	
	Examiner TUAN C. TO	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 4, 12-17, 20, 24, 28 and 29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8-11, 18, 19, 21-23, 25-27 and 30-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5, 8-11, 18, 19, 21-23, 25-27 and 30-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uno (US 20030160686A1).

Regarding claims 1, 10, 11, 18, 27, and 30, Uno discloses a bicycle computer control arrangement and method comprising a detachable case (27) from the surface of which the display (24) is disposed (see paragraph 0025). Also, as set forth in paragraph 0025, and figure 3, the control apparatus (15) is attached to the central portion of the handlebar assembly (4) and is operatively connected to the shift command units (14a, 14b) and other buttons. In paragraph 0025, Uno teaches that the display unit (24) is configured to perform various display functions even when the case (27) is detached from the bracket (29). And in paragraph 0026, Uno teaches that the display functions include the display of speed, cadence, distance traveled, lapsed time, gear positions of external gear shift mechanism.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bicycle display system as taught using all the significant components in Uno in order to address all features of the current claims.

As to claim 2, Uno further discloses the feature of “basic locomotion functions comprises the function of controlling, through corresponding controls associated to the second unit, a first actuator controlling a gear shift of the cycle and a second actuator controlling a derailleur of the cycle” (see paragraph 0025, the control apparatus 15 controls a first actuator (14a, 14b) controlling a gear shift of the cycle) and a second actuator controlling a derailleur of the cycle (see paragraph 0024).

As to claim 3, Uno further discloses function of controlling the first actuator and second actuator is enabled in a manual mode that permits manual operation of the actuators (see paragraph 0031).

As to claim 5, Uno discloses a microcontroller (21) as mentioned above for performing the basic locomotion functions such as shifting gear and derailleur (see figure 3 and paragraph 0024).

As to claim 8, Uno disclose a display unit (24) connected to the

As to claim 9, Uno discloses that the control apparatus (15) comprises the control unit (23) associated to which are manually operated controls of the actuators and a power unit that drives said actuators (see figure 3).

As to claims 19, 21, and 22, Uno discloses that user can use hand operable means (see figure 1, and figure 2, the bicycle as a whole and the handle bar each described to contain hand operable means).

As to claim 23, Uno teaches the part of a cycle that moves is a derailleur (33) (see figure 1, and paragraph 0019).

As to claims 25, and 26, Uno teaches the feature of “allowing the person to manually operate the actuator” (see paragraph 0025, lines 15-21).

As to claims 31-40, Uno further teaches that the control unit (23) includes a CPU (21) and memory (22) coupled to a plurality of buttons and actuator (see figure 3, and paragraph 0024). And in the paragraph 0025, Uno teaches that in the case, the display unit (24) can perform various display functions even when the case (27) is detached from the bracket (29).

It would have been obvious to one of ordinary skill in the art to modify the display system as taught in Uno to implement the basic locomotion functions using the previously stored values stored in the memory (22) when the display unit (24) is

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detached as the result of removing the case (27) in order to keep the bicycle in use in case the display is broken or is popped out from its original position.

Allowable Subject Matter

Claims 6 and 7 are remained allowable.

Response to the Applicant's Amendment

The applicant's comments dated 4/8/09 has been fully considered. However, the application cannot be placed in a condition for allowance.

The applicant stated in his response that Uno fails to teach or suggest that the bicycle control apparatus includes a unit that performs basic locomotion functions when another unit of the bicycle control apparatus is removed from the bicycle.

As presented herein above, Uno teaches that the display unit (24) is configured to perform various display functions even when the case (27) is detached from the bracket (29) mounted to the assembly (4) of the bicycle. The display functions include the display of speed, cadence, distance traveled, lapsed time, gear positions of external gear shift mechanism. Therefore, Uno teaches when the first unit is removed (or detached) from the cycle (or bracket 29) the display unit with the controller (23) is able to display the locomotive functions for user. The act of removing the case (27) from its original position is not identical to the act of disconnecting the connection between the controller and the actuators such as rear derailleur, front derailleur.

For that reason, the application is now set in a condition of final rejection.

Conclusions

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

July 1, 2009